



## RIGHT TO REFUSE UNSAFE WORK INFORMATION

If you are still having to go to work, make sure all policies for health and safety are followed. For example, social distancing. COPE would like to remind everyone; **you do have the RIGHT TO REFUSE UNSAFE WORK.**

This is not something we can do as a group; **it must be done individually.**

If you believe the work is still unsafe or unhealthy to yourself or a co-worker – **YOU MAY REFUSE.** For SGI employees – look at your CBA – Article 6 – Safety and Health. (Page 17) Put it in writing, give it to your manager. Again, it **MUST** be done on an individual basis.

Below you will find the following:

- Collective Bargaining Agreement between SGI and COPE Local 397 language regarding Right to Refuse Unsafe Work
- Right to Refuse steps for COPE 397 members who work for SGI.
- Right to Refuse steps as taken from the Government of Saskatchewan website
- Saskatchewan Employment Act Right to Refuse language

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### CONTRACT LANGUAGE – Page 17 of the Collective Bargaining Agreement

#### ARTICLE 6 – SAFETY AND HEALTH

- 6.1 The Employer and Employee shall comply with all applicable federal, provincial and municipal health and safety legislation and regulations. All standards established under the legislation and regulations shall constitute minimum acceptable practice and may be improved upon by agreement of the Union/Employer health and safety committee or negotiations with the Union.
- 6.2 Right to Refuse Unsafe Work
- 6.2.1 No Employee shall be discharged, penalized or disciplined for refusing to work on a job or in any workplace or to operate any equipment where they believe that it would be unsafe or unhealthy to themselves, or a co-worker.
- 6.2.2 An Employee may refuse to perform any particular act or series of acts where the Employee has reasonable grounds to believe that the act or series of acts is unusually dangerous to the Employee's health or safety or the health or safety of any other Employee until:
- (a) sufficient steps have been taken to satisfy the Employee otherwise; or

- (b) the Occupational Health Committee has investigated the matter and advised the Employee otherwise.

If not satisfactorily resolved, this issue may be referred to the Occupational Health and Safety Branch.

- 6.2.3 Where a refusal has occurred, no other Employee shall be requested or assigned to perform the work without being advised of the previous refusal(s) and the reason(s) for the refusal(s).

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## **STEPS TO TAKE FOR COPE 397 MEMBERS WHO WORK FOR SGI**

**Exercising your right to refuse unsafe work is something that you must do individually. It cannot be done as a group. It cannot be done on behalf of someone else. It cannot be done by the Union for you.**

1. Tell your supervisor/manager that you are refusing to work because of a specific health or safety concern. Give details of exactly what work you are refusing to perform and why you feel it is unsafe.
2. You cannot leave the worksite without your employer's permission. Wait for direction.
3. Contact Employee Health and Safety and express your concerns.
4. You may wish to c.c. your Union on your refusal to perform work that you believe is unsafe or unhealthy. To do so, our email is [cope397email@sasktel.net](mailto:cope397email@sasktel.net)

If you have any questions/concerns contact us at:

**Main Office Number: (306) 352-4240**  
**[cope397email@sasktel.net](mailto:cope397email@sasktel.net)**

**President: Kim Wilson**  
**(306) 352-4220**  
**[presidentcope397@sasktel.net](mailto:presidentcope397@sasktel.net) or**  
**[union-president@sgi.sk.ca](mailto:union-president@sgi.sk.ca)**

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## Steps to take – taken from the Government of Saskatchewan Website

### Right to Refuse

You have the right to refuse to do any specific job or task which you **have reasonable grounds to believe is unusually dangerous**. The danger may be to you or to any other person. An unusual danger could include:

- A danger that is not normal for the job (e.g., repairing a roof in dangerous winds);
- A danger that would normally stop work (e.g., operating a forklift with a flat tire); or
- A situation for which you are not properly trained, equipped, or experienced to do the work assigned (e.g., cleaning windows on a tall building with no fall protection equipment or training).

You cannot be fired or disciplined for using this right. Occupational Health and Safety provides procedures to be followed when refusing.

### Steps for Refusing Unusually Dangerous Work

If your supervisor/employer asks you to perform a specific job or task that you have grounds to believe is unusually dangerous, follow these steps:

1. Tell your employer/supervisor that you are refusing work because of a health or safety concern.
2. Do not leave the worksite without your employer's permission.
3. Contact your occupational health committee (OHC) or OHS representative if you cannot resolve the concern with the employer/supervisor.
4. Your OHC will investigate the refusal, meet and vote to determine if you have reasonable grounds to refuse the work. (The vote must be unanimous for or against the refusal.)
5. If the concern cannot be resolved within your workplace, contact an occupational health officer at the Occupational Health and Safety Division.
6. The officer will investigate the refusal and rule on the matter.

Your place of employment may have its own procedures for refusing unusually dangerous work. Ask your supervisor, occupational health committee, occupational health and safety representative, and/or union steward for information.

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## **SASKATCHEWAN EMPLOYMENT ACT RIGHT TO REFUSE DANGEROUS WORK (pages 85-86)**

### **DIVISION 5 Right to Refuse Dangerous Work; Discriminatory Action**

Right to refuse dangerous work 3-31 A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until: (a) sufficient steps have been taken to satisfy the worker otherwise; or (b) the occupational health committee has investigated the matter and advised the worker otherwise.

2013, c.S-15.1, s.3-31.

Investigation by occupational health officer 3-32 If there is no occupational health committee at a place of employment or if the worker or the employer is not satisfied with the decision of the occupational health committee pursuant to clause 3-31(b): (a) the worker or the employer may request an occupational health officer to investigate the matter; and (b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 3-31 until the occupational health officer has investigated the matter and advised the worker otherwise pursuant to subsection 3-33(2).

2013, c.S-15.1, s.3-32.

Decision of occupational health officer 3-33(1) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer may issue a notice of contravention in writing to the employer requiring the appropriate remedial action.

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2013 c. S-15.1

(2) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is not unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer shall, in writing: (a) advise the employer and the worker of that decision; and (b) advise the worker that he or she is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-33.

Other workers not to be assigned 3-34 If a worker has refused to perform an act or series of acts pursuant to section 3-31, the employer shall not request or assign another worker to perform that act or series of acts unless that other worker has been advised by the employer, in writing, of: (a) the refusal and the reasons for the refusal; (b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act or series of acts in a healthy and safe manner; and (c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-34.

Discriminatory action prohibited 3-35 No employer shall take discriminatory action against a worker because the worker: (a) acts or has acted in compliance with: (i) this Part or the regulations made pursuant to this Part; (ii) Part V or the regulations made pursuant to that Part; (iii) a code of practice issued pursuant to section 3-84; or (iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention; (b) seeks or has sought the enforcement of: (i) this Part or the regulations made pursuant to this Part; or (ii) Part V or the regulations made pursuant to that Part; (c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;

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##### c. S-15.1 2013

(d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative; (e) performs or has performed the function of an occupational health committee member or occupational health and safety representative; (f) refuses or has refused to perform an act or series of acts pursuant to section 3-31; (g) is about to testify or has testified in any proceeding or inquiry pursuant to: (i) this Part or the regulations made pursuant to this Part; or (ii) Part V or the regulations made pursuant to that Part; (h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment; (i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part; (j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or (k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part.